

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

**IN RE VIOLIN MEMORY, INC.,
SECURITIES LITIGATION**

Case No. 4:13-cv-05486-YGR

**ORDER DENYING WITHOUT PREJUDICE JOINT
MOTION TO ENTER PROPOSED STIPULATED
PROTECTIVE ORDER**

The parties' [Proposed] Stipulated Protective Order (Dkt. No. 116) is hereby **DENIED WITHOUT PREJUDICE**. The District's Model Protective Order for Standard Litigation is available online and should be followed by the parties.¹ The parties are hereby advised that prior to submitting their revised stipulated protective order, the model order available online should be modified to reflect the following update to Paragraph 6.3, which concerns judicial intervention in the event of a challenged designation:

6.3 Judicial Intervention. If the Parties cannot resolve a challenge without court intervention, the parties shall follow the Court's Standing Order in Civil Cases regarding Discovery and Discovery Motions. The parties may file a joint letter brief regarding retaining confidentiality within 21 days of the initial notice of challenge or within 14 days of the parties agreeing that the meet and confer process will not resolve their dispute, whichever is earlier. Failure by a

¹ See United States District Court, Northern District of California, "Stipulated Protective Orders," <http://cand.uscourts.gov/stipprotectorder>.

1 Designating Party to file such discovery dispute letter within the applicable 21 or
2 14 day period (set forth above) with the Court shall automatically waive the
3 confidentiality designation for each challenged designation. If, after submitting a
4 joint letter brief, the Court allows that a motion may be filed, any such motion
5 must be accompanied by a competent declaration affirming that the movant has
6 complied with the meet and confer requirements imposed in the preceding
7 paragraph. The Court, in its discretion, may elect to transfer the discovery matter
8 to a Magistrate Judge.

9 In addition, the parties may file a joint letter brief regarding a challenge to
10 a confidentiality designation at any time if there is good cause for doing so,
11 including a challenge to the designation of a deposition transcript or any portions
12 thereof. If, after submitting a joint letter brief, the Court allows that a motion may
13 be filed, any motion brought pursuant to this provision must be accompanied by a
14 competent declaration affirming that the movant has complied with the meet and
15 confer requirements imposed by the preceding paragraph. The Court, in its
16 discretion, may elect to refer the discovery matter to a Magistrate Judge.

17 The burden of persuasion in any such challenge proceeding shall be on the
18 Designating Party. Frivolous challenges, and those made for an improper purpose
19 (e.g., to harass or impose unnecessary expenses and burdens on other parties) may
20 expose the Challenging Party to sanctions. Unless the Designating Party has
21 waived the confidentiality designation by failing to file a letter brief to retain
22 confidentiality as described above, all parties shall continue to afford the material
23 in question the level of protection to which it is entitled under the Producing
24 Party's designation until the court rules on the challenge.

1 In addition, the parties are directed to review the undersigned's discovery procedures.²

2 This Order terminates Docket No. 116.

3 **IT IS SO ORDERED.**

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5 Date: July 6, 2015



YVONNE GONZALEZ ROGERS

UNITED STATES DISTRICT COURT JUDGE

United States District Court
Northern District of California

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28 ² See United States District Court, Northern District of California, Standing Orders of Judge Gonzalez Rogers, <http://cand.uscourts.gov/ygrorders>